

REMARKS

In the Office Action dated August 6, 2007, the Examiner rejected claims 1-19 for nonstatutory obviousness-type double patenting over claims 1-20 of U.S. Patent No. 7,157,111. Claim 1-4 and 8-19 were rejected under 35 U.S.C. §103(a) as obvious over Yano et al. (U.S. Patent No. 6,387,712) or Park (U.S. Patent No. 5,524,092) in combination with either Asano et al. (U.S. Patent No. 6,407,422), Li et al. (U.S. Patent No. 6,664,116, hereinafter "Li '116"), or Li et al. (U.S. Patent No. 6,483,137, hereinafter "Li '137"), or Li et al. (U.S. Patent No. 6,475,813, hereinafter "Li '813"). Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as obvious over Yano et al. or Park in combination with either (a) Asano et al. and Li '116, or (b) Li '116. Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over Yano et al. or Park in combination with either Asano et al. or Li '116 or Li '137 or Li '813.

Applicants are filing herewith a terminal disclaimer and fee to overcome the double patenting rejection over prior patent U.S. Patent No. 7,157,111. The double patenting rejection is, therefore, fully responded to and overcome.

Claims 5 and 6 were rejected under 35 U.S.C. §103 based on a combination of prior art which includes the Li '116 patent. Li '116 qualifies as prior art only under 35 U.S.C. §102(e) and was, at the time the claimed invention was made, owned by the same person as the present application, namely, Sharp Laboratories of America, Inc. Print-outs of the USPTO assignment records of the present application and Li '116 are provided as attachments to this Response. Under §103(c)(1), Li '116 does not preclude patentability under §103 and is, thus, removed as a reference against claims 5 and 6. Claims 5 and 6, which each formerly depended from claim 1, have

each been amended to include the language of claim 1 and are now in independent form. As such, claims 5 and 6 are fully allowable over the prior art cited by the Examiner.

Claims 1-4 and 13-19 were rejected as set forth above and have been canceled herein.

Claim 7, which formerly depended from rejected claim 1, has been amended and now depends from claim 5. As discussed above, claim 5 is now allowable. Since amended claim 7 now depends from claim 5 and contains all the limitations of claim 5, claim 7 is allowable for the same reasons as is claim 5.

Claim 8 depends from allowable claim 6 and contains all the limitations of claim 6 and is allowable for the same reasons as is claim 6.

Claim 9, which formerly depended from rejected claim 1, has been amended and now depends from claim 5. As discussed above, claim 5 is now allowable. Since amended claim 9 now depends from claim 5 and contains all the limitations of claim 5, claim 9 is allowable for the same reasons as is claim 5.

Claim 10 is amended herein to correct a typographical error. Claims 10 through 12 depend from allowable claim 9 and contain all the limitations of claim 9 and are allowable for the same reasons as is claim 9.

In view of the foregoing, applicants submit that the rejection of each of claims 5 through 12 under §103(a) has been fully overcome. Claims 5 through 12 are, accordingly, fully allowable. All other claims in the application have been canceled.

This response is accompanied by a Petition for Extension of Time Under 37 C.F.R. §1.136(a) requesting a one-month extension, together with a deposit account authorization for the fee therefore.

In view of the foregoing, applicants respectfully request reconsideration of the application, as amended, and ask that it be passed to issue.

The Commissioner is hereby authorized to charge or credit any deficiencies or overpayments in connection with this filing to Deposit Account No. 19-1457.

Date: 4/1/08

Respectfully submitted,

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Patent Assignment Abstract of Title

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Total Assignments: 1

Patent #: [6664116](#)

Issue Dt: 12/16/2003

Application #: 10020868

Filing Dt: 12/12/2001

Publication #: [20030109069](#)

Pub Dt: 06/12/2003

Inventors: Tingkai Li, Sheng Teng Hsu

Title: SEED LAYER PROCESSES FOR MOCVD OF FERROELECTRIC THIN FILMS ON HIGH-K GATE OXIDES

Assignment: 1

Reel/Frame: [012401/0001](#)

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Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Exec Dt: 12/11/2001

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Exec Dt: 12/11/2001

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Reel/Frame: [014999/0434](#)

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Total properties: 1

1 Patent #: NONE Issue Dt: Application #: 10780919 Filing Dt: 02/17/2004
Publication #: [US20050178656](#) Pub Dt: 08/18/2005
Title: MOCVD PGO thin films deposited on indium oxide for feram applications

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